

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	T. Taniguchi et al.	CONF. NO.:	5969
U.S. SERIAL NO:	10/691,417	EXAMINER:	P. Sinkantarakorn
FILED:	October 21, 2003	GROUP:	2616
FOR:	DATA TRANSMISSION DEVICE, DATA TRANSMISSION METHOD, DATA TRANSMISSION PROGRAM, DATA RECEPTION DEVICE, DATA RECEPTION METHOD, DATA RECEPTION PROGRAM, AND COMMUNICATION SYSTEM		

Commissioner for Patents  
P.O. Box 1450  
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Sir:

**AMENDMENT**

Applicants are in receipt of the Office Action dated September 4, 2007 of the above-referenced application. Please amend the application as follows:

**Amendments to the claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 8 of this paper.

**Amendments to the claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of claims:**

Claim 1 (currently amended): A data transmission device in which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine, comprising:

    a transmission data generation section which generates the transmission data and a reception result request to be transmitted to the receiving-end machine; and

    a transmission control section which controls and causes the transmission data generation section to generate the transmission data and transmits the generated transmission data ~~along with~~ and the reception result request simultaneously to the receiving-end machine,

    when a communication error occurs, the transmission control section causing the transmission data generation section to generate retransmission data with a format different from a format of the transmission data based on the reception result from the receiving-end machine, and retransmitting the retransmission data to the receiving-end machine.

Claim 2 (original): The data transmission device as defined in claim 1, wherein, when the retransmission data is generated, the transmission control section causes the retransmission data to have a most accepted format.

Claim 3 (original): The data transmission device as defined in claim 1, wherein, when the retransmission data is generated, if a capability of the receiving-end machine is suggested in the reception result notification, the transmission control section causes the retransmission data to have a format corresponding to the capability.

Claim 4 (original): The data transmission device as defined in claim 1, wherein,  
    the transmission data includes image data, and

the transmission control section alters a format of the image data of the transmission data, so as to cause the transmission data generation section to generate the retransmission data.

Claim 5 (original): The data transmission device as defined in claim 1, wherein, when the communication error is a transmission error which is nothing to do with a capability of the receiving-end machine, the transmission control section calls off generation of the retransmission data.

Claim 6 (original): The data transmission device as defined in claim 1, further comprising an operating section which displays information for a user and receives instructions from the user, wherein, the transmission control section controls and causes the operating section to display a format of the retransmission data for a user, and after receiving a retransmission instruction from the user, retransmits the retransmission data.

Claim 7 (original): The data transmission device as defined in claim 1, wherein, the transmission control section controls and causes the transmission data generation section to generate transmission data made up of e-mail data.

Claim 8 (currently amended): A data transmission method, by which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine, comprising the steps of:

(a) generating transmission data and a reception result request to be transmitted to the receiving-end machine;

(b) transmitting the transmission data ~~along with~~ and the reception result request simultaneously to the receiving-end machine; and

(c) when a communication error occurs, generating retransmission data with a format different from a format of the transmission data based on the reception result from the receiving-end machine, and retransmitting the retransmission data to the receiving-end machine.

Claim 9 (original): A communication system, comprising the data transmission device defined in claim 1.

Claim 10 (previously presented): A computer-readable medium encoded with computer executable instructions for executing a data transmission program, causing a computer of an information communication device to function as the transmission data generation section and transmission control section of the data transmission device defined in claim 1.

Claim 11 (previously presented): A computer-readable medium encoded with computer executable instructions for executing a data transmission program, causing a computer of an information communication device to execute the steps (a), (b), and (c) of the data transmission method defined in claim 8.

Claim 12 (previously presented): A computer-readable medium encoded with computer executable instructions, recording the data transmission program defined in claim 10.

Claim 13 (previously presented): A computer-readable medium encoded with computer executable instructions, recording the data transmission program defined in claim 11.

Claim 14 (previously presented): A data reception device, which receives the transmission data transmitted from the data transmission device defined in claim 1 and returns a reception result notification corresponding to the reception result, comprising:

- a storing section which stores information of transmission data having already been received; and

- a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission data being different from the retransmission data, on ground of the information stored in the storing section,

wherein the data reception device returns the reception result notification to the data transmission device upon receipt of the transmission data, and the data transmission device generates the retransmission data based on the reception result.

Claim 15 (original): The data reception device as defined in claim 14, wherein, the reception control section causes the storing section to store a communication management table which stores (i) an identifier of the transmission data having already been received and (ii) related information of the transmission data having already been received, in association with each other.

Claim 16 (original): The data reception device as defined in claim 15, wherein, when the newly-received transmission data is determined as the retransmission data, the reception control section causes the communication management table to store an identifier of initial transmission data regarding the retransmission data, as related information of the retransmission data.

Claim 17 (original): The data reception device as defined in claim 15, wherein, when the newly-received transmission data is determined as the retransmission data, the reception control section updates related information of initial transmission data regarding the retransmission data, in accordance with a reception result of the retransmission data.

Claim 18 (original): The data reception device as defined in claim 14, wherein, a transmission control section of the data transmission device causes the initial transmission data and retransmission data regarding this initial transmission data to share a single first ID, and on ground of this first ID, the reception control section determines whether the newly-received transmission data is retransmission data or initial transmission data.

Claim 19 (original): The data reception device as defined in claim 18, wherein, the reception control section causes the first ID attached to the transmission data to be included in the reception result notification.

Claim 20 (original): The data reception device as defined in claim 18, wherein, in addition to the first ID, the transmission control section of the data transmission device causes a second ID in the transmitted reception result notification to be included in retransmission data regarding this transmitted reception result notification, and

on ground of the first or second ID, the reception control section determines whether newly-received transmission data is retransmission data or initial transmission data.

Claim 21 (original): The data reception device as defined in claim 14, wherein, a transmission control section of the data transmission device causes a second ID in transmitted reception result notification to be included in retransmission data regarding this transmitted reception result notification, and

on ground of this second ID, the reception control section determines whether newly-received transmission data is retransmission data or initial transmission data.

Claims 22-23 (canceled)

Claim 24 (currently amended): A communication system, comprising:

a data transmission device in which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine, comprising:

a transmission data generation section which generates the transmission data and a reception result request to be transmitted to the receiving-end machine; and

a transmission control section which controls and causes the transmission data generation section to generate the transmission data, and transmits the generated transmission data and the reception result request simultaneously to the receiving-end machine,

when a communication error occurs, the transmission control section causing the transmission data generation section to generate retransmission data with a format different from a format of the transmission data based on the reception result from the receiving-end machine, and retransmitting the retransmission data to the receiving-end machine; and

a data reception device which receives the transmission data transmitted from the data transmission device and returns a reception result notification corresponding to the reception result, comprising:

a storing section which stores information of transmission data having already been received; and

a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission data being different from the retransmission data, on ground of the information stored in the storing section.

Claim 25 (previously presented): A computer-readable medium encoded with computer executable instructions for executing a data reception program, causing a computer of an information communication device to function as the reception control section of the data reception device defined in claim 14.

Claim 26 (canceled)

Claim 27 (previously presented): A computer-readable medium encoded with computer executable instructions, storing the data reception program defined in claim 25.

Claim 28 (canceled)

Claim 29 (previously presented): The data transmission device as defined in claim 1, wherein the data transmission device has a MDN function, and the reception result request is derived from the MDN function.

Claim 30 (previously presented): The data transmission method as defined in claim 8, wherein the data transmission method has a MDN function, and the reception result request is derived from the MDN function.

### **REMARKS**

Claims 1-21, 24, 25, 27, 29, and 30 are pending in the application. Independent claims 1, 8, and 24 have been amended by the present amendment. The amendments are made to clarify the recitations of the original claims and raise no new issues. Claims 22, 23, 26, and 28 have been canceled without prejudice. The amendments are fully supported by the application as originally filed (see, e.g., specification at page 39, line 1 to page 42, line 7).

As amended, independent claims 1, 8, and 24 recite that the generated transmission data and the reception result request are transmitted simultaneously to the receiving-end machine. See, e.g., specification at page 39, line 1 to page 42, line 7, where it is described that an email message is generated, which incorporates both a reception result request and image data in the same email.

Claims 1-4 and 7-13 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,775,705 to Maeda. Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Maeda. Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of U.S. Patent 7,000,157 to Okamoto et al. Claims 14-23 and 25-28 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent Application Publication US 2003/0020961 to Tanimoto in view of Maeda. Claim 24 was rejected under 35 USC 103(a) as being unpatentable over Maeda in view of Tanimoto. These rejections are respectfully traversed.

Regarding the rejection of independent claims 1 and 8 over Maeda, the Maeda reference does not teach or suggest a data transmission device or method in which generated transmission data and a reception result request are transmitted simultaneously to a receiving-end machine.

As described in the Amendment filed on July 18, 2007, in Maeda, "before an original is read," a transmitting-side apparatus 1 transmits a "capability request" in order to determine the "reception capability" of a receiving-side apparatus 2, and the receiving-side apparatus 2 transmits a capability response to the transmitting-side apparatus 1 (see column 5, lines 49-61 of



Maeda). The transmitting-side apparatus 1 reads the original and transmits image data to the receiving-side apparatus 2; in response, the receiving-side apparatus 2 transmits a confirmation message to the transmitting-side apparatus 1 (see column 6, lines 1-15).

In other words, the "capability request" is sent in Maeda by the transmitting-side apparatus 1 in advance of transmitting transmission data or image data to the receiving-side apparatus 2.

Therefore, the Maeda reference does not teach or suggest transmitting transmission data "and the reception result request simultaneously to the receiving-end machine," as recited in independent claims 1, 8, and 24.

Further, regarding the rejection of independent claim 24 over the proposed combination of Maeda in view of Tanimoto, the proposed combination does not teach or suggest a communication system in which generated transmission data and a reception result request are transmitted **simultaneously** to a receiving-end machine.

As described in the Amendment filed on July 18, 2007, in Tanimoto, a first email is sent from the transmitting machine to the receiving machine merely to obtain suitable data formats readable on the receiving machine, but no image data is sent with the first email. Instead, the image data is sent with a third email.

In other words, in both the Maeda and Tanimoto references, multiple emails are required to determine capabilities of a receiving end machine, and subsequently to transmit image information.

Even if Tanimoto was somehow combined with Maeda, the proposed combination would not teach or suggest transmitting generated transmission data and a reception result request **simultaneously** to a receiving-end machine, for at least the reasons discussed above.

It is believed that the claims are in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,

/Steven M. Jensen/

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